

## REMARKS

Claims 1 and 5 are rejected under 35 U.S.C. 102(b) as being anticipated by Stuart (6430921). Stuart does not disclose an internal combustion engine exhaust component including a lining to protect a part of a shell from exhaust condensate contact. Stuart discloses an exhaust component structure 10 including an absorbent liner 19 comprised of a material that absorbs moistures it comes into contact with (page 3, lines 55 to 59). As the absorbent liner 19 absorbs moisture, a wicking action occurs to pull moisture away from the inner surface of the exhaust component structure 10 (abstract), and the moisture is then distributed through the absorbent liner 19 (page 4, lines 8 to 15). As moisture contacts the inner surface of the exhaust component structure 10 before being wicked away, the absorbent liner 19 does not protect the exhaust component structure 10 from moisture contact. The claimed invention is not anticipated, and Applicant respectfully requests that the rejection be withdrawn.

Claims 2, 3, 6, 8, 9 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Stuart (6430821). The Examiner states that Stuart fails to teach a lining that covers approximately one third to one half of a surface area of an inner surface of a shell and that a shell thickness is thicker than a lining thickness. The Examiner states that it would have been obvious to employ these features in Stuart as discovering the optimal or working range involves only routine skill in the art. The Examiner also states that Stuart inherently teaches applying a lining to a flat sheet of material and then forming the flat sheet of material into a shell. Applicant respectfully disagrees.

The claimed invention is not obvious. Claim 3 has been amended to recite that the lining protects the shell from exhaust condensate contact. Stuart does not disclose or suggest this feature for the reasons set forth above.

Regarding claim 6, it is not obvious to apply a lining to a flat sheet of material and then form the flat sheet of material into a shape of a shell. The Examiner states that it is well known in the art to construct a muffler body by forming a shell from a sheet material. However, the Examiner has not provided any evidence of this assertion. Applicant requests that this information be provided or the rejection be withdrawn. Additionally, nothing in Stuart discloses or suggests employing this step.

Regarding claims 2, 8, 9 and 11, these claims depend on patentable independent claims 1, 3 and 5 and are allowable for the reason set forth above.

Claims 4, 7 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Stuart (6430921) in view of Cullen (4947957). The Examiner states that Stuart fails to disclose spot welding. The Examiner states that Cullen teaching applying a lining within an exhaust component by spot

welding. The Examiner states that it would have been obvious to combine the apparatus of Stuart with the apparatus of Cullen to provide a stable method of attaching a component with an exhaust structure. Applicant respectfully disagrees.

The claimed invention is not obvious. Stuart teaches that the absorbent lining 19 is made of asbestos fiber, sand or other materials that meet this criteria (column 4, lines 8 to 10). However, these types of materials are not spot weldable, and therefore it is not possible to spot weld the absorbent lining 19 of Stuart to the exhaust component structure 10.

New claim 12 has been added. Claim 12 is also not anticipated or obvious. The liner is spot welded to the shell in the flat condition, preventing these two components from sliding relative to each other when the flat sheet is formed into a shell, but also providing stresses in the spot weld. This is counter-intuitive as one skilled in the art would spot weld a liner after forming the exhaust component into the shape of a shell. Additionally, Cullen teaches attaching a lining to a pipe and not to a flat sheet of material that forms a shell. Neither reference teaches applying a lining to a flat sheet of material and then forming a shell, and therefore the references considered together does not teach or suggest the claimed invention.

The Commissioner is authorized to charge Deposit Account No. 50-1482, in the name of Carlson, Gaskey & Olds, P.C. \$208.00 for four additional claims in excess of twenty. No additional fees are seen to be required. If any additional fees are due, however, the Commissioner is authorized to charge Deposit Account No. 50-1482, in the name of Carlson, Gaskey & Olds, P.C., for any additional fees or credit the account for any overpayment. Therefore, favorable reconsideration and allowance of this application is respectfully requested.

Respectfully Submitted,

**CARLSON, GASKEY & OLDS, P.C.**

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Dated: October 14, 2008